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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,069	07/15/2003	Elden R. Morrison	D / A3208	7121

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ROCHESTER, NY 14644

EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,069

Applicant(s)

MORRISON ET AL. 

Examiner

David H Bollinger

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3653

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 10, it is not understood how the "spring biasing" can be both "nonsymmetrical" and "orthogonal" at the same time as required by the claim language. Is this language attempting to define the biasing which has both an orthogonal component and a component which is not orthogonal?

Further, it is not clearly understood what constitutes a "nonsymmetrical" biasing as the term "nonsymmetrical" implies some reference (i.e. a line, a plane, etc.) about which the biasing force is not symmetrical, but no such reference has been clearly defined in the claim.

In claim 15 line 15, the recitation "non-spring legs" appears to be inaccurate in that the legs of the torsion spring are disclosed as providing a biasing force, therefore; acting as spring legs rather than "non-spring legs."

In claim 1 lines 15-16, the recitation "nonsymmetrical anchoring positions" is indefinite because it is not clearly understood what constitutes such positions.

As related above the term "nonsymmetrical" implies no symmetry about some reference and the reference has not been clearly defined in the claim.

Finally, claim 1 does not clearly define whether the structure recited in lines 13-16 of claim 1 is the structure which comprises the "normal force spring biasing

Art Unit: 3653

system” or is some other element separate from that system. It appears the claimed structure of lines 13-16 in claim 1 is intended to be that of the “normal force spring biasing system” and has been treated as such.

3. Claims 1 and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The disclosure is objected to because of the following informalities: The specification fails to provide headings for the various sections (i.e. Background of the Invention, Summary of the Invention, Brief Description of the Drawings and Detailed Description). The specification should be amended to incorporate the appropriate section headings.

Appropriate correction is required.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizuta et al is cited of interest to show a torsion spring comprising central coil and two linear legs.

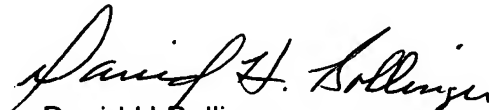
6. Applicant's arguments filed 29 September 2004 have been fully considered but they are not persuasive. Applicant has stated the claims now incorporate clear structural distinctions. It is the examiner's position the claim terminology “nonsymmetrical” is still unclear. The explanation of why such language remains indefinite is given in the above rejection under 35 USC 112 second paragraph. Further, applicant's amendment to the claims raised new issues of indefiniteness which are also pointed out and explained above.

Art Unit: 3653

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 10/29/04
Art Unit 3653